

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☐ Town ☒ Village
(Select one:)

of Rockville Centre

Local Law No. 4 of the year 2017

A local law to enact a temporary moratorium on use or development

(Insert Title)

of property for private roads or streets.

Be it enacted by the Board of Trustees **of the**
(Name of Legislative Body)

☐ County ☐ City ☐ Town ☒ Village
(Select one:)

of Rockville Centre **as follows:**

Section one. Findings. The zoning regulations of the Village of Rockville Centre require that all properties to be developed or constructed in the Village now are required to have required frontage on a public road. Notwithstanding those requirements, the possibility remains that some properties may be developed in which lots or buildings may have their required frontage on private streets, roads or rights of way. Such developments or uses of property may not be in the best interests of the Village, or the public health, safety and welfare of the residents of the Village, and may not be appropriate in any particular circumstance. The Board of Trustees is aware of possible developments or construction which would include buildings and structures which front on a private road. The Board of Trustees hereby finds and concludes that it is in the best interests of the public, including the residents of the Village of Rockville Centre, that a temporary moratorium be declared for a reasonable period of time with respect to use or development of any property, building or structure which does not have the required frontage on a public road. Such a moratorium would provide the Village a reasonable opportunity to review and amend its zoning regulations as may be appropriate. Such a moratorium also would prevent any person or property owner from acquiring vested rights to undesirable development during such review period and before any such amended zoning regulations could take effect.

Section two. Moratorium. From and after the effective date of this law, and continuing for a period of time as set forth hereinafter, no application shall be processed or accepted, and no permit or approval may be issued, by the Board of Trustees, Zoning Board of

Appeals or Planning Board of the Village of Rockville Centre, or any other department, board or agency of the Village having jurisdiction over applications for construction or development of property, buildings or structures, (including, without limitation, any site plan approval, subdivision approval, building permit, special permit, zoning permit, variance, or other approval or permission) with respect to any proposed use or development of any property for a private road, or of any property, building or structure which does not provide at least the required minimum frontage on a public road. This moratorium also shall apply to the development or construction of any private road, property, building or structure for which an approval was issued prior to the effective date of this law, where construction or development of such private road, property, building or structure has not been initiated or conducted in a manner which would provide the owner or developer, or any other person, vested rights in such approval. Nothing in this moratorium shall be interpreted or applied to prevent the approval of an extension of a period of time to complete a private road, development, building or structure for which a permit has been duly issued prior to the effective date of this law, and with respect to which vested rights have been obtained.

Section three. Duration of Moratorium. (a) The moratorium established by this law shall be effective until and including six months from the date of adoption of this law, unless sooner terminated as provided herein.

(b) Notwithstanding the provisions of paragraph (a) of this section, the Board of Trustees, by resolution adopted by a majority of its members, may extend the duration of the moratorium provided for herein for not more than two periods of three months each.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, the Board of Trustees, by resolution adopted by a majority of its members, may terminate the moratorium enacted by this law at any time prior to the expiration thereof.

Section four. Hardship; Exemptions. In any case where a property owner demonstrates to the satisfaction of the Board of Trustees that the provisions of this law, or the effects of this law, have created a financial hardship to such person, and demonstrates the existence of such financial hardship in the same manner and to the same extent as would be required to obtain a use variance from the Board of Appeals, the Board of Trustees, after public hearing held and noticed in the same manner as provided for a public hearing before the Board of Appeals, may grant an exemption from the provisions of this law, and by such exemption permit one or more board(s) or agency(ies) of the Village to process and/or consider any application, and in proper cases issue any particular approvals, which would otherwise have been subject to the provisions of this moratorium.

Section five. Any local law, ordinance, or resolution of the Village of Rockville Centre in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law.

Section six. If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.



Section seven. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law, and shall be applicable to all permit or other approval applications subject to this law which are pending on the date of adoption of this law or filed during the effective period of this law.

(If additional space is needed, attach pages the same size as this sheet, and number each.)



(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2017 of the ~~(County)(City)(Town)~~(Village) of Rockville Centre was duly passed by the Board of Trustees on July 10, 2017, in accordance with the applicable *(Name of Legislative Body)* provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the ~~(County)(City)(Town)~~(Village) of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20__, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the ~~(County)(City)(Town)~~(Village) of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20__. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20__, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the ~~(County)(City)(Town)~~(Village) of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20__. Such local *(Elective Chief Executive Officer*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20__, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.



5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20__, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph, 1 above.

~~Clerk of the county legislative body, City, Town or Village Clerk or~~
~~officer designated by local legislative body~~

(Seal)

Date: July 10, 2017

